

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: September 15, 2011
Time: 9:30 a.m.

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In re:

MOHAMMAD N. ASHRAF

Chapter 13
Case No.: 811-74903-736

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 15th day of SEPTEMBER, 2011 at 9:30 a.m., at the United States Bankruptcy Court located at the Long Island Federal Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§ 503(b), 521, 1307(c), & 1326(a)(2), dismissing this case, by reason of the debtor(s)' failure to file and/or provide documents, paying to the Trustee reasonable, necessary costs and expenses, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Melville, New York
August 25, 2011

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

To: *Office of the United States Trustee*
Mohammad N. Ashraf
Joshua N. Bleichman, Esq., Attorney for Debtor(s)
Bank of America, NA, Creditor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

MOHAMMAD N. ASHRAF

Chapter 13

Case No.: 811-74903-736

Debtor(s)

APPLICATION

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TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY
JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate,
respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on July 8, 2011, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of this date of the motion, the debtor(s) has failed to provide the Trustee with copies of pay statements 60 days prior to filing; an updated written appraisal; an amended Chapter 13 Plan to state the minimum percentage to be paid to unsecured creditors; amended Schedules I & J; amended Statement of Financial Affairs; utility bills for the month of July including gas/oil, water, telephone, electric, and cable; tax transcripts from 2007 through 2010; bank statements from all accounts including wife' HSBC account from January 1, 2011 through July 31, 2011 all pages; and an amended means test.
3. In addition, prior to the court hearing, an additional \$510.00 representing the September 8 payment is due.
4. This is a material default and is prejudicial to the rights of the creditors of the debtor(s).

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11 U.S.C. §§ 503(b), 521, 1307(c), & 1326(a)(2), dismissing this case, and paying to the Trustee reasonable, necessary costs and expenses, and for such other and further relief as this Court deems just and proper.

Dated: Melville, New York
August 25, 2011

/s/ Michael J. Macco

Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road – Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

LONI BRAGIN, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On August 25, 2011, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee
Long Island Federal Courthouse
560 Federal Plaza
Central Islip, NY 11722*

*Mohammad N. Ashraf
37 Copiague Street
Valley Stream, NY 11580*

*Joshua N. Bleichman, Esq.
Attorney for Debtor(s)
268 Route 59
Spring Valley, NY 10097*

*Bank of America, NA
c/o Frenkel, Lambert, et. Al
20 West Main Street
Bay Shore, NY 11706*

*Bank of America, NA
c/o Prober & Raphael, A Law Corp.
20750 Ventura Blvd, Ste. 100
Woodland Hills, CA 91364*

/s/ Loni Bragin
LONI BRAGIN

Sworn to before me this
25th day of AUGUST, 2011

/s/ Janine M. Zarrilli
NOTARY PUBLIC
Janine M. Zarrilli
Notary Public, State of New York
No. 01ZA5084708
Qualified in Nassau County
Commission Expires September 8, 2013